

INFORMATION HANDOUT

For Contract No. 08-1E6604

At 08-Riv-79-R33.8/40.0

Project ID 0814000060

PERMITS

California Department of Fish and Wildlife

WATER QUALITY

California Regional Water Quality Control Board



EDMUND G. BROWN JR.
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SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

March 30, 2016

Mr. Craig Wentworth
Senior Environmental Planner
California Department of Transportation, District 8
464 West 4th St., 8th Floor, MS 622
San Bernardino, California 92401

craig.wentworth@dot.ca.gov

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR STATE ROUTE 79 DRAINAGE INLET PROJECT,
UNINCORPORATED RIVERSIDE COUNTY (USACOE CORPS FILE NO. NOT
AVAILABLE) (SARWQCB PROJECT NO. 332016-08)**

Dear Mr. Wentworth:

On January 9, 2016, we received from the California Department of Transportation (Applicant) an application requesting Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project to install road drainage systems at 19 locations to alleviate the ponding of water on the paved surface of State Route (SR) 79 between the cities of Beaumont and San Jacinto (Project). The Applicant submitted a check for \$2,667.00 with the Certification application materials, and a second check for \$1200.00 on March 9, 2016, which satisfies the fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, Section 2200 (a) (3).

This letter responds to your request for Certification that the proposed Project, as described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The California Department of Transportation (Caltrans) proposes to install 19 drainage systems to collect water from the paved surface of SR-79 for conveyance through downdrains to Lamb Canyon Creek, which is located adjacent to the roadway. Impacts to Lamb Canyon Creek will

WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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result as the flared metal end-sections of the downdrains and the energy dissipating structures, which reduce flow velocities as the water leaves the drainage systems, are being constructed.

The work will take place within Sections 10, 15, 16, 21, 28, 32, and 33 of Township 3 South, Range 1 West and Section 5 of Township 4 South, Range 1 West, of the U.S. Geological Survey Lakeview, Beaumont, and *San Jacinto* 7.5 minute topographic quadrangle maps (33° 49' 38.67" N/ - 116° 58' 44.94" W).

Receiving water: Lamb Canyon Creek, a tributary to the San Jacinto River, Reach 4, has designated beneficial uses (existing or potential) that include: agricultural supply (AGR), groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), warm freshwater habitat (WARM), and wildlife habitat (WILD).

Fill area:

Permanent Impacts to Non-Wetland Waters of the United States	0.0016 acre	20 linear feet
Temporary Impacts to Non-Wetland Waters of the United States	0.05 acre	222 linear feet

Dredge/Fill volume: Not Applicable

Federal permit: U.S. Army Corps of Engineers (USACE) Permit Nationwide No. 14 – Linear Transportation Projects

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- None

Should the proposed Project impact State- or federally-listed endangered species or

their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will ensure those impacts are mitigated to an acceptable level.

Appropriate BMPs will be implemented to reduce construction-related impacts to waters of the State per the requirements of State Water Resources Control Board Order No. 2015-0036-EXEC (NPDES Permit No. CAS000003), commonly known as the State of California Department of Transportation Statewide Storm Water Permit, and subsequent iterations thereof.

Pursuant to the California Environmental Quality Act (CEQA), Caltrans filed a CEQA Guidelines Section 15301 "Class 1" Categorical Exemption with the State of California Office of Planning and Research on May 29, 2015. The "Class 1" Exemption declares the proposed Project involves the alteration of an existing public structure for the purpose of public safety, involving negligible or no expansion of use beyond that existing at the time of the Department's determination. The Regional Board has independently considered the CEQA Categorical Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed Project are necessary to avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) This Order for Water Quality Certification will remain valid until the USACE 2012 Nationwide permits expire on March 18, 2017, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
- 2) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.
- 3) The Applicant shall ensure that all fees associated with this Project shall be paid to each respective agency prior to conducting any on-site construction activities.
- 4) A copy of this 401 Certification and any subsequent amendments must be maintained on-site for the duration of work as a denoted element of any project Storm Water Pollution Prevention Plan (SWPPP).
- 5) Prior to construction activities, the Applicant shall delineate the work area with brightly colored fencing or other methods to ensure both temporary and permanent impacts to waters of the United States and waters of the State of California do not exceed the limits authorized in this Certification.
- 6) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all

times unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their being transported in storm water or directly into the channel, and may not be located within waters of the United States. Discharges of wastewater from the site are prohibited.

- 7) The Project proponent shall utilize BMPs during Project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the State and of the United States.
- 8) Substances resulting from Project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the State. All waste concrete shall be removed from the Project site.
- 9) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the State on-site, except as necessary to complete the proposed Project. No equipment shall be operated in areas of flowing water.
- 10) This 401 Water Quality Certification is subject to the acquisition of all local, regional, State, and federal permits and approvals as required by law. Failure to meet any condition contained herein, or any conditions contained in any other permit or approval issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including the revocation of this Certification and imposition of administrative civil or criminal liability.
- 11) Construction de-watering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at www.waterboards.ca.gov/santaana/.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an

amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the Applicant.

If the above-stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require that the Applicant submit a Report of Waste Discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this 401 Water Quality Certification, the holder of any permit or license subject to this Certification shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification. Violations of the conditions of this Certification may subject the Applicant to civil liability pursuant to Water Code Section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby certify that any discharge from the referenced Project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at: www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf

Mr. Craig Wentworth
CA Department of Transportation, District 8
SARWQCB File Number 332016-08

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March 30, 2016

Should there be any questions, please contact Jason Bill at (951) 782-3295 or
jason.bill@waterboards.ca.gov, or Wanda Cross at (951) 782-4468 or
wanda.cross@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt V. Berchtold". The signature is fluid and cursive, with the first name "Kurt" and last name "Berchtold" clearly distinguishable.

Kurt V. Berchtold
Executive Officer

cc: Caltrans District 8 – Denesse Segura – denesse.segura@dot.ca.gov
U. S. Army Corps of Engineers, Los Angeles Office – Veronica Li
CA Department of Fish and Wildlife – Jeff Brandt
State Water Resources Control Board, Office of Chief Counsel - David Rice
State Water Resources Control Board DWQ - Water Quality Certification Unit
U.S. EPA -Supervisor of the Wetlands Section – Jason A. Brush



State of California – Natural Resources Agency
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



April 6, 2016

Craig Wentworth
Caltrans
464 West 4th Street, Mailstop 822
San Bernardino, CA 92401

Subject: Notification of Streambed Alteration No. 1600-2015-0264-R6
RIV 79 Drainage Inlets

Dear Mr. Wentworth:

The California Department of Fish and Wildlife (Department) had until March 23, 2016 to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you or inform you that an Agreement is not required. The Department did not meet that date. As a result, by law, you may now complete the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code section 1602(a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that notification received by the Department in writing prior to March 23, 2016. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify the Department before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of Fish and Game Code section 1602.

The project is located in Riverside County along State Route (SR) 79, Post Mile 33.8 to PM 40.0, between the City of Beaumont and the City of San Jacinto, in the section of SR 79 known as Lamb Canyon. The project consists of the installation of a total of 18 drainage systems along SR 79. A total of 44 inlets and 18 outlets will be installed. The existing roadway and median will be excavated in order to install the pipes, which will be buried 12 inches deep and will outlet on the slopes. Rock slope protection will be installed at drainage outlets to reduce the speed of discharge water. The installation of the pipes will require temporary impacts to 0.241 acre of non-native grassland and permanent impacts to 0.079 acre of non-native grassland, and will indirectly impact nearby drainages by directing stormwater into them. You have proposed to prevent sediment from entering the watercourse by implementing Best Management Practices and through the requirements of a 401 Water Quality Certification. You propose to avoid

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Craig Wentworth
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impacts to fish and wildlife resources by avoiding the suitable habitat for sensitive species that was previously identified via site surveys, employing standard avoidance and minimization measures for burrowing owl, Los Angeles pocket mouse, and endemic plant species, conducting an environmental training program for personnel involved in construction, use of buffers and exclusion fencing around construction sites, and conducting work from the highway to minimize the impacts to vegetation. The project term will end on or before December 31, 2019.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include, but are not limited to, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. If you have any questions regarding this matter, please contact Gabriele Quillman at (909) 980-3818 or gabriele.quillman@wildlife.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Brandt', with a large, stylized flourish extending from the bottom of the signature.

Jeff Brandt
Senior Environmental Scientist